

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKKEITH NELSON STAINEUSDC SDNY
DOCUMENT
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DOC #:
DATE FILED: 7/13/10

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(In the space above enter the full name(s) of the plaintiff(s).)

-against-

NEW YORK CITY DEPARTMENT OF CORRECTIONSAMENDED
COMPLAINTunder the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint) **550**Jury Trial: ☒ Yes ☐ No
(check one)

10 Civ. 1539 (DAB)

DEFENDANT NO. 1. CAPTAIN EIRSKIN # 342DEFENDANT NO. 2. CAPTAIN SALLEY # 345DEFENDANT NO. 3. CO. J. BRUNO # 17136DEFENDANT NO. 4. CAPTAIN COMACHTO # 1242DEFENDANT NO. 5. CAPTAIN RICHARDS # 829

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

"SEE ATTACHED"

RECEIVED
SDNY PRO SE OFFICE
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I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name KEITH N. STAINE
 ID # 1130901164
 Current Institution OTIS BANTUM CORRECTION CENTER
 Address 16-00 HAZEN STREET
EAST ELMHURST NY 11370-1390

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

New Defendants

Added

See 1st + 2nd

+ 3rd Pages

ATTACHMENT
 DEFENDANT NO. 6. NAME CAPTAIN CRUZ SHIELD# 1207
 WHERE CURRENTLY EMPLOYED NEW YORK CITY DEPARTMENT OF CORRECTIONS
 ADDRESS 16-00 HAZEN STREET
EAST ELMHURST N.Y. 11370

DEFENDANT NO. 7. NAME CAPTAIN L. HARPER SHIELD# 1670
 WHERE CURRENTLY EMPLOYED NEW YORK CITY DEPARTMENT OF CORRECTIONS
 ADDRESS 16-00 HAZEN STREET
EAST ELMHURST N.Y. 11370

DEFENDANT NO. 8. NAME CO. CASON SHIELD# 14147
 WHERE CURRENTLY EMPLOYED NEW YORK CITY DEPARTMENT OF CORRECTIONS
 ADDRESS 16-00 HAZEN STREET
EAST ELMHURST N.Y. 11370

DEFENDANT NO. 9. NAME CO. ROBERTS SHIELD# 18579
 WHERE CURRENTLY EMPLOYED NEW YORK CITY DEPARTMENT OF CORRECTIONS
 ADDRESS 16-00 HAZEN STREET
EAST ELMHURST N.Y. 11370

DEFENDANT NO. 10. NAME John DOE SHIELD# ONE (UNKNOWN)
 WHERE CURRENTLY EMPLOYED NEW YORK CITY DEPARTMENT OF CORRECTIONS
 ADDRESS 16-00 HAZEN
EAST ELMHURST N.Y. 11370

DEFENDANT NO. 11. NAME John DOE SHIELD# 9535
 WHERE CURRENTLY EMPLOYED NEW YORK CITY DEPARTMENT OF CORRECTION
 ADDRESS 16-00 HAZEN Street
EAST ELMHURST N.Y. 11370

DEFENDANT NO. 12. NAME CO. BROWNER SHIELD#
 WHERE CURRENTLY EMPLOYED NEW YORK CITY DEPARTMENT OF CORRECTION
 ADDRESS 16-00 HAZEN Street
EAST ELMHURST N.Y. 11370

Defendant No. 1

Name CAPTAIN. EIRSKIN Shield # 342
 Where Currently Employed New York City Department of Correction
 Address 16-00 HAZEN Street
East Elmhurst NY. 11370

Defendant No. 2

Name CAPTAIN. SALLEY Shield # 345
 Where Currently Employed NEW YORK CITY DEPARTMENT OF CORRECTIONS
 Address 16-00 HAZEN Street
East Elmhurst NY. 11370

Defendant No. 3

Name CO. J. BRUNO Shield # 17136
 Where Currently Employed NEW YORK CITY DEPARTMENT OF CORRECTIONS
 Address 16-00 HAZEN Street
East Elmhurst NY. 11370

Defendant No. 4

Name CAPTAIN COMACHO Shield # 1242
 Where Currently Employed NEW YORK CITY DEPARTMENT OF CORRECTIONS
 Address 16-00 HAZEN Street
East Elmhurst N.Y. 11370

Defendant No. 5

Name CAPTAIN RICHARDS Shield # 829
 Where Currently Employed NEW YORK CITY DEPARTMENT OF CORRECTIONS
 Address 16-00 HAZEN Street
EAST ELMHURST N.Y. 11370

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur? IT OCCURED IN OTLS BARTUM CORRECTION CENTER 16-00 HAZEN STREET EAST ELMHURST-NEW-YORK 11370.

B. Where in the institution did the events giving rise to your claim(s) occur? IT HAD INITIALLY STARTED IN 2 UPPER AND I WAS SENT BY WAY OF MY ID. NOT RETURNED TO ME THREE OTHERS WHOM I HARRASSED ME PERSONALLY CAPTAIN SALLEY ANOTHER JOHN DOE #6 FROM THE FIRST COMPLAINT AS

CO. BROWNER JOHN DOE #1 WHOM WHO ASSAULTED ME ON 7/28/2009 AND JOHN DOE #9535 HAD ME EXTRICATED & TUCKER AND ALONG WITH CO. BROWNER AND CAPTAIN SALLEY HAD DONE A STRIP SEARCH ON ME LEAVING ME ALONE.
 C. What date and approximate time did the events giving rise to your claim(s) occur? I HAD BEEN SYSTEMATICALLY TARGETED FROM 7/28/2009 ON THE DAY OF MY ASSAULT I WAS VISITED BY CAPTAIN SALLEY AT THE LAW LIBRARY WHERE I HAD WORKED AND A SEARCH SEARCH TEAM BY CAPTAIN EIRSKIN OF THE LAW LIBRARY AND OF (MY SELF) ME THE PLAINTIFF AGAIN TO SHOW THEIR RE-
 AFTER

D. Facts: While on Rikers Island I was Assaulted twice. The first time on 7/28/2009 at Dorm supper in Otis Bawum Correction Center (O.B.C.C.). I have witnesses whom had heard and seen the Assault. An Officer whom was with Captain ERSKIN #342 whom is listed as John Doe #1, I was then Followed and harassed by Captain ERSKIN AND HIS SECURITY TEAM because he never gave me back my I.D. and was able to track me. HE Then sent a Security team with Captain Salley #345, John Doe # 9535, and Co. BROWNER whom was all apart of an Illegal Strip Search in Dorm Supper as I had just moved from Dorm Supper. I also have witnesses for that occasion my Commensary bin was tossed all over my sheet. I was told to Strip (Search) In a dorm full of men whom many did not listen to Captain Salley #342, John Doe # 9535, or Co. BROWNER; Only (3) three Interrogated me and Humiliated my by way of Intimidation in Dorm 3 upper. While on Dorm 3 Upper I worked at the library and as soon as I started Captain ERSKIN did a 3 man Security Search (team) of the Library as to Intimidate me as well and let me know he calls the shots, Captain Salley whom came with Law Library to Insult me some more and tell me it was him who did the Search on 3 upper. I have seen all their face but did not know their names he Addressed him Self as Captain Salley; And Again the Verry Day I was moved the next morning Captain Salley, John Doe # 9535, and Co. BROWNER who's shield #18579 was Involved in a Search on annex at 5 West and Captain Salley's Name is Involved in the ticket which sent me to the Box/CPSU. And I was extracted and pulled out of Cell whom had did the Search was Co. John Doe # 9535; whom Captain Salley #345 and John Doe # 9535, Had stalked/harassed, Involved in corruption and in falsification of legal Document and organized corruption. I have a witness whom saw the Search on 5 West at Annex and Can Verify that the writer never witnessed and of the Claimed especially on my ticket which sent me to the Box and which involves Captain ERSKIN. Injuries of the ticket Co Robert #18579 whom did not witness anything. There is a video for this event on 10/6/2009 and for 12/30/2009 of the Housing unit and at the Salley Port left in the cell. If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. I was Assaulted and Sustained Fracture to the Skull above the left side of the face above the eyes (on the temple) and also Spinal Injury around the L/S Lumbar 10 to the 5th Sacral Vertebra. I Received only Tylenol at the Clinic of O.B.C.C., Motrin tabs 400mg and Robaxin (tab) 500mg. I am also traumatized (psychological) suffering from being injured, harassed, stalked, tickled and sent to CPSU/ The Box and had believe that the NYS DOCS and NYC DOCS are Involved with the NYS and NYS Court in Racketeering (R.I.C.O.) As my case was a simple Self defense case I defended myself and I ended up having to do time including being Assaulted more than once.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

AT OTIS BANTUM CORRECTION CENTER AND AT ITS ANNEX.

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☒ Do Not Know ☐

If YES, which claim(s)? none

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☒ No ☐ That I WAS ABLE TO HAVE THE ASSAULT DOCUMENTED AS A USE OF FORCE REPORT ALTHOUGH I ASKED FOR AN INCIDENT REPORT AND WAS NOT ALLOWED TO WRITE ONE. FOR THE SECOND ASSAULT ON 11/10/2009 AND THE FIRST ON 8/27/2009.

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☒

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

I FILED A GRIEVANCE AT THE INSPECTOR GENERAL NYC. ON BEING ASSAULTED AND OTHER GRIEVANCES AT NYC DOCS AT THE CORRECTIONAL FACILITY WHERE I WAS LISTED AS O.B.C. 16-00 HAZEN STREET.

1. Which claim(s) in this complaint did you grieve? I GRIEVED THE ASSAULT, HARRASSMENT, MANIPULATION OF NYC DOCS EMPLOYEES INVOLVED IN ORGANIZED CORRUPTION AND STALKING.

2. What was the result, if any? A PREVIOUS INVESTIGATION STARTED WITH THE INSPECTOR

GENERAL ON THE ASSAULT AND I WAS IN CPSU / THE BOX; REALIZED THAT I WAS TARGETED TO BE PUNISHED. I CPSU / THE BOX LEARNING REFORMATION I WROTE MY WIFE ABOUT INCIDENTAL PREMEDITATION I TOLD HER TO CALL IF SHE DID NOT HEAR FROM ME AND SHE CALLED I.G. AND RECEIVED A PROCESSING NUMBER.

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. I HAD GRIEVED LIBRARIAN INVOLVEMENT AS ORGANIZED CORRUPTION; AND ALSO TO HAVE DOCTORS OPEN ON AS I WAS SCHEDULED FOR X-RAYS AND WAS NOT ALLOWED TO TAKE THEM UNTIL LATER AS NURSE AND NYC DOCS STAFF CAUSED ME TO BE PHD TO THE BOX / CPSU. AND WAS ALSO TOLD BY ONE OF THE NURSE I THE BOX / CPSU. SAID I COULD NOT SO I FILED A GRIEVANCE FOR A SECOND OPINION.

"AND I WAS NOT CALLED SO I FILED ANOTHER GRIEVANCE I CALLED I.G. AND WAS GIVEN A PROCESSING # ON 8/27/2009. BEFORE I WAS HARRASSED AND TICKETED BY JOHN DOE # 9535 ON 10/06/2009. HAD PREVIOUSLY WITH CAPTAIN SELLER # 345 DID A HARRASSMENT SEARCH. TOLD EVERY ONE TO LIE ON THEIR STOMACH WHILE I SEARCHED AND MY COMBINATION LOCKS WERE VOUCHERED I WAS HARRASSED FROM AFTER THE ASSAULT BY JOHN DOE (UNKNOWN) FROM 8/7/09 AND ASSAULTED AGAIN BY BY J. BRUNO # 17136 ON 12/30/2009. I WAS PHD AND HARRASSED WITHOUT SEEING ANY DOCTOR.

1. If there are any reasons why you did not file a grievance, state them here. I HAD FILED

A LOT OF GRIEVANCE ABOUT BEING HARRASSED, ABOUT MY I.D. TAKEN AND

NEVER RETURN ABOUT MONEY TAKEN FROM MY ACCOUNT FOR ANOTHER ONE,

AND ON QUALIFIED PROFESSIONAL OPINION AS I AM REQUIRED TO SEE A

DOCTOR WHEN INVOLVING SPINAL AND SKULL INJURY AND WAS NOT ALLOWED

TO DO SO AND WAS NOT SEEN BY A NURSE WHOM MADE ANOTHER INJURY REPORT AND I SAW THE NURSE AFTER 6 HOURS LATER AND PLACED IN THE COLD

FOR 2 HOURS STRAIGHT FIRST FOR 1 HOUR AND 15 MINUTES AND AGAIN FOR 15 MINUTES.

IF YOU DID NOT FILE A GRIEVANCE BUT INFORMED ANY OFFICIALS OF YOUR CLAIM, STATE WHO YOU HAD INFORMED CAPTAIN ESKIN # 342 I HAD REQUESTED THAT THE OFFICER BE IDENTIFIED BUT WAS DENIED.

ON THE DAY OF THE FIRST ASSAULT ON JULY 28, 2009 (7/28/09). I FILLED OUT AN INCIDENT REPORT AND A USE OF FORCE REPORT. I MADE THE FORMAL REPORT TO I.G. THE

AROUND THE 11/30/09 AND RECEIVED A PROCESSING NUMBER LATER. AFTER THE SECOND ASSAULT

I WAS PHD ON 2/31/2009 AND WAS NOT ALLOWED TO USE THE PHONE I SPENT THE NEXT

DAY ON 1/1/10 IN CPSU / THE BOX INTAKE AND ON THE FIRST I WAS RETURNED TO THE

BOX FROM THE 1/1/10 - I WAS NOT ALLOWED TO USE THE PHONE FOR 4 DAYS AS I

BECAME THE ENEMY OF DOC (WHILE ON PHD - PREHEARING DETENTION) I WAS SEARCHED

ABOUT (5) TIMES,

informed, when and how, and their response, if any: I.G. visited me after I was given a processing number. I had Grievance with IGRC (Grievances) and one was answered in CPSU. The Box as well as with The Board of Corrections to rectify the situation with being prohibited from receiving Library materials and CO. Carson # 14147 had still manipulated the process and never brought the library materials requested for and had also informed Captain Salley # 345 about my intended lawsuit and did not send my paperwork until 5 weeks later. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. I had Grieved the Incidents and all Incidents Involving Captain ERSKIN AND OTHER OFFICERS OF SPECIAL SECURITY TEAM Such as Captain Salley and John Doe # 9535 X CO. BROWNE upon working at the Law Library had visited me to also intimidate me as well and another time while working for the Law Library as I was asked to help to clean out the Jym. Ran tracks around me while at the Jym helping another Captain who had asked the officer in charge at the Law Library that I should help at the Jym. I also asked my wife to make a report ahead CPSU/Me Box because no calls could be made to I.G. (The Inspector General).

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). I am seeking compensation in this lawsuit as a federal civil suit from civil cover sheet under # 550 on prisoners civil rights under (PLRA). For Organized corruption, harassment, stalking, official misconduct, invasion of privacy of legal paperwork (documents) Cruel and unusual punishment and for falsification of legal document and falsification of an accusatory instrument in the amount of \$1,658,340.00. I had received spinal injury, skull fracture which has cause blurred vision and permanent damage both to my eyes, facial indent to the skull and spine. For stripping without a curtain in a room full of inmates some were looking even though they were told not to and for being left in the cold with only a shirt on and no socks in cold of about 30° degree weather in the middle of winter. I would also like that Captain L. Harper # 1670 be charged for official misconduct "Cruel and unusual punishment" other than punitive segregation and for being seen six hours later than injury and assault took place and for injuries not been looked at by a doctor or radiologist for almost (7) days later and for grievance for skull and spinal injury X-ray have not been done until intake of being sentenced (after) move to downgrade on 11/14/2010; And for false accusatory instrument one which is inconsistent to use of force Captain Richards # 829 whom were the officer of incident on the 3:00 p.m. - 11:00 p.m. whom did not witness by her statements on use of force and how Captain L. Harper # 1670 the captain of the 11:00 p.m. - 7:00 a.m. made accusatory statements of which never happened except he being assaulted by CO. J. Bruno # 17136, whom was not on duty at the time that is Captain L. Harper was not present by which statements I was phoned and by which criminal charges were brought up on 2/8/2010 nearly 39 days later. I am psychologically traumatized because I also believe that the Court and DOC, NYS and NYD IS involved in racketeering and my case was a simple self-defense case and went through Hell both in the courts and in DOC. I had no prior felony case or convictions; I am emotionally and psychologically traumatized from former complaint for cruelty \$22,000.00 - was left in the cold for (2) hours at Sely post of- for harassment & intimidation (stalking) \$17,000.00 (O.B.C.B.) for continual stalking & harassment for over 9 months for injury to skull \$188,000.00 - I have a permanent indent and injury to the skull & outer for injury to skull \$188,000.00 - (skin) temple of the face above eyes. for injury to ear \$243,340.00 - for receiving injury in organized and planned way. for injury to eyes \$1,000,000.00 - I now use hearing aid and have hearing problems with. for a total of \$1,658,340.00 In compensation of injuries and cruelty, harassment & intimidation (by stalking while as a prisoner/detainee), for injuries and trauma (and psychological trauma) while still suffering from pain of - injuries.

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ____ No ☒

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff None

Defendants N/A

2. Court (if federal court, name the district; if state court, name the county) N/A

3. Docket or Index number None

4. Name of Judge assigned to your case N/A

5. Approximate date of filing lawsuit None / N/A

6. Is the case still pending? Yes ____ No ☒

If NO, give the approximate date of disposition None N/A

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) N/A

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ____ No ☒

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff None

Defendants N/A

2. Court (if federal court, name the district; if state court, name the county) N/A

3. Docket or Index number N/A None

4. Name of Judge assigned to your case N/A

5. Approximate date of filing lawsuit None / N/A

6. Is the case still pending? Yes ____ No ☒

If NO, give the approximate date of disposition None N/A